



General Assembly

January Session, 2009

**Substitute Bill No. 6102**

\* \_\_\_\_\_ HB06102CE\_ET\_031709 \_\_\_\_\_ \*

**AN ACT PROMOTING COMPETITION AMONG COMMUNITY ACCESS PROVIDERS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective July 1, 2009*) (a) Not later than sixty days  
2       prior to October 1, 2009, and not later than sixty days prior to October  
3       first every five years thereafter, any community-based nonprofit  
4       organization may petition the Department of Public Utility Control to  
5       assume responsibility for community access within a defined service  
6       area. Upon receipt of any such petition, the department shall conduct a  
7       contested case proceeding to determine whether to assign such  
8       responsibility to the community-based nonprofit organization  
9       submitting the petition or to any other nonprofit organization or  
10      community access television company. The department shall base such  
11      determination on the following criteria: (1) The recommendations of  
12      the state-wide Community Antenna Television Advisory Council and  
13      of the chief elected officials of the municipalities in the service area, (2)  
14      a review of the performance of the organization or company providing  
15      community access programming on the date the petition is filed, (3)  
16      the operation plan submitted by an organization or a company for  
17      providing community access programming, (4) the experience of the  
18      organization or company in community access programming, (5) the  
19      proposed budget of the organization or company, including expenses  
20      for salaries, consultants, attorneys and other professionals, (6) the

21 quality and quantity of the programming to be created, promoted or  
22 facilitated by the organization or the company, (7) a review of the  
23 organization's or company's procedures to ensure compliance with  
24 federal and state law, including the regulations of state agencies, and  
25 (8) any other criteria determined to be relevant by the department.

26 (b) Not later than sixty days prior to April 1, 2010, and not later than  
27 sixty days prior to April first of every five years thereafter, the  
28 department may, on its own initiative, review and evaluate the  
29 provision of community access programming by the organization or  
30 company. The department shall conduct such review or evaluation if  
31 the Consumer Counsel or any interested party petitions the  
32 department for such a review during the period commencing October  
33 1, 2009, and ending April 1, 2010, and each corresponding period every  
34 five years thereafter. Such review shall include consideration of the  
35 factors set forth in subsection (a) of this section.

36 (c) If the Department of Public Utility Control reassigns  
37 responsibility for community access to another community-based  
38 nonprofit organization, any other nonprofit organization or a  
39 community access television company as a result of a review  
40 conducted pursuant to this section, such organization or company  
41 shall provide an interview for employment to any employee of the  
42 existing provider of community access television who has been an  
43 employee of such provider for at least five years.

44 (d) If the Department of Public Utility Control reassigns  
45 responsibility for community access to another community-based  
46 nonprofit organization, any other nonprofit organization or a  
47 community access television company as a result of a review  
48 conducted pursuant to this section, no employee of the original  
49 organization who has been an employee of such organization for five  
50 continuous years shall have their hours, wages or working conditions  
51 changed for a period of six months without the express, written  
52 consent of the local Cable Advisory Council.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>July 1, 2009</i>	New section
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**CE**

*Joint Favorable Subst. C/R*

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